

**MEDICAL EXAMINING BOARD
MINUTES
DECEMBER 14, 2005**

- PRESENT:** Drs. Lief Erickson (portion of meeting); Alfred Franger; Jon Gudeman; Sujatha Kailas; Jack Lockhart (via teleconference); Daniel J. Miota; Ian Munro; Gene Musser; Sandra Osborn; Bhupinder S. Saini; and Virginia Heinemann (via teleconference) and Martha Vukelich-Austin
- STAFF:** Tom Ryan, Bureau Director; Colleen Baird, Legal Counsel; PJ Monson, Bureau Assistant
- GUESTS:** Lynn and Rich Wesolek, for Luke Nelson; Jeremy Levin, WI Medical Society; Mahendr S. Kochar, MD, and Barbara Connelly, Medical College of Wisconsin Affiliated Hospitals; Patrick Knight, Attorney for Dr. Shim; Jae Yang Shim, MD; Paul Erickson, Attorney for Dr. Shim.

CALL TO ORDER

Dr. Alfred Franger called the meeting to order at 8:15 a.m. There was a quorum of 11 members present.

APPROVAL OF AGENDA

Additions to Agenda:

After Item "B" – Notice and Motion to close proceedings in the matter of disciplinary proceedings against Jae Y. Shim, MD

After Item "B" – Request for change in effective date of renewal

Item "E" – 2005 Assembly Bill 853

After Item "I" – Letter from Max Wintermark, University of California

After Item "Q" – Request for reinstatement of license - James Scerpella

After Item "Q" – Request for reinstatement of license - Freeman Moore

After Item "Q" – Petition for Summary Suspension – Jae Y. Shim, MD

After Item "Q" – Proposed Complaint in case 03 MED 029

After Item "Q" - Proposed Complaint in case 03 MED 485

After Item "Q" - Proposed Complaint in case 03 MED 485

After Item "Q" – Proposed Complaint in case 04 MED 465

After Item "Q" – Proposed Stipulation in case 04 MED 485 Daniel W. Lopez-Tan, MD

After Item "Q" – Proposed Stipulation in case 04 MED 485 Anilkumar Doniparthi, MD

After Item "Q" – Remedial Education Presentation in case 04 MED 353

After Item "Q" – DOE Pending case report, 3 year case report

Removed from Agenda

- Item “H” – Deliberation of proposed decision in the matter of Jeffrey C. Manlove, MD

MOTION: Dr. Miota moved, seconded by Dr. Kailas, to approve the agenda with amendments. Motion carried unanimously.

APPROVAL OF MINUTES OF NOVEMBER 9, 2005

Amendments to minutes

- AB 683 - change liberal to literal

MOTION: Dr. Kailas moved, seconded by Dr. Musser, to approve the November 9, 2005 minutes with amendments. Motion carried unanimously.

SCREENING PANEL REPORT

The screening panel reported that it reviewed 25 complaints: 6 were opened and 19 were not opened.

ADMINISTRATIVE REPORT

Finalize examination panels - January thru June, 2006

Screening:

January - Musser, Lockhart, Heinemann
February - Osborn, Saini, Heinemann
March - Munro, Kailas, Vukelich-Austin
April - Musser, Munro, Vukelich-Austin
May - Kailas, Gudeman, Vukelich-Austin
June - Miota, Musser, Vukelich-Austin

Examinations:

January - Osborn, Kailas, Lockhart, Saini
February - Osborn, Gudeman, Kailas, Miota
March - Munro, Osborn, Musser, Gudeman
April - Kailas, Lockhart, Saini, Munro
May - Musser, Gudeman, Lockhart, Munro
June - Kailas, Lockhart, Gudeman, Franger

MOTION: Dr. Saini moved, seconded by Dr. Musser, to finalize the screening and examination panels for January thru June 2006. Motion carried unanimously.

2003 DOE cases

No action was taken on this agenda topic.

**PRESENTATION OF PROPOSED STIPULATIONS,
FINAL DECISIONS AND ORDERS**

David Mathews, MD

Attorney Mike Berndt presented the Remedial Education proposal in the matter of David Mathews, MD.

John Ourjiri, MD

Attorney Mike Berndt presented the Proposed Stipulation, Final Decision and Order in the matter of John Ourjiri, MD.

Daniel W. Lopez-Tan, MD

Attorney Pamela Stach presented the Proposed Stipulation, Final Decision and Order in the matter of Daniel W. Lopez-Tan, MD

Anilkumar Doniparthi, MD

Attorney Pamela Stach presented the Proposed Stipulation, Final Decision and Order in the matter of Anilkumar Doniparthi, MD

Notice and Motion to close proceeding in the matter of disciplinary proceedings against Jae Y. Shim, MD

Attorney Arthur Thexton addressed the Board regarding Jae Y. Shim, MD, and requested the proceedings be held in closed session.

MOTION: Dr. Miota moved, seconded by Dr. Munro, to move the matter of Jae Y. Shim, MD to be considered in closed session. Motion carried unanimously.

Request for change in effective date of renewal – Dr. Larry Brunzlick

Colleen Baird addressed the Board regarding the request of Dr. Larry Brunzlick, Langlade Memorial Hospital, for change in the effective date of his renewal.

MOTION: Dr. Miota moved, seconded by Ms. Heinemann, to deny the request for change in the effective date of renewal for Dr. Larry Brunzlick. Motion carried unanimously.

CITIZEN ADVOCACY CENTER CONFERENCE TRAVEL REPORT

This agenda item was deferred.

WISCONSIN MEDICAL SOCIETY (WMS) DISCUSSION REPORT

Dr. Musser reviewed his discussion with the WMS Council on Ethics and Judicial Affairs. He addressed Board rules regarding weight loss and unprofessional conduct in addition to licensing procedures for physicians. He noted his appreciation for DRL staff assistance in helping to prepare for this meeting. Dr. Franger suggested Board members consult the Federation of State Medical Boards website (<http://www.fsmb.org/>) for information regarding other state medical boards.

REMEDIAL EDUCATION 04 MED 353

Attorney Eric Callisto presented Remedial Education case 04 MED 353 to the Board for consideration.

REQUEST FOR REVIEW OF 7 YEAR RULE FROM MAHENDR KOCHAR, MD

Dr. Kochar addressed the Board with a request for the Board to change the 7 year rule to a 10 year rule. The current rule requires candidates for licensure pass all three of the required USMLE exams within 7 years. Dr. Kochar stated that 2-3 people per year are disqualified because of the inability to attain internship or visas in a timely manner. California and Michigan have a 10 year rule and New York has no limit. Dr. Kochar noted that that of all medical graduates in the states, approximately 25% are International Medical Graduates (IMGs).

Dr. Franger stated that the Federation of State Medical Boards takes a position in favor of the 7 year rule. He also emphasized the duty of the Medical Examining Board is to protect the public. The Board will continue this discussion at its next meeting.

(Dr. Erickson joined the meeting during Dr. Kochar's discussion with the Board.)

Review of Wisconsin Physical Therapists' Association Discussion with the Physical Therapists Affiliated Credentialing Board Relating to the Board's Affiliated Status

The Board did not review this topic during today's meeting because of the time required for other agenda items and will review it at a future meeting.

SUMMARY REPORTS OF PENDING COURT CASES, DISCIPLINARY CASES, ADMINISTRATIVE RULES AND LEGISLATION

Noted.

INFORMATIONAL ITEMS

Noted.

CONVENE TO CLOSED SESSION

MOTION: Dr. Gudeman moved, seconded by Dr. Munro, to adjourn to closed session pursuant to Wisconsin State statutes § 29.85(1)(a)(b)(f) and (g) for the purpose of conducting appearances, reviewing monitoring requests, requests for licensure, deliberating on stipulations, administrative warnings, proposed decisions and orders, consulting with Legal Counsel and Division of Enforcement case status reports. Motion carried by roll call vote: Dr. Erickson-yes; Dr. Franger-yes; Dr. Gudeman-yes; Dr. Lockhart-yes (via teleconference), Ms. Heinemann-yes (via teleconference), Dr. Kailas-yes; Dr. Miota-yes; Dr. Munro-yes; Dr. Musser-yes; Dr. Osborn-yes; Dr. Saini-yes; Ms. Vukelich-Austin-yes.

Open Session recessed at 9:40 a.m.

CLOSED SESSION

PETITION FOR SUMMARY SUSPENSION JAE Y. SHIM, MD

Dr. Gudeman left the room for deliberations and voting, Ms. Heinemann was not included via telephone for deliberations or voting.

Attorney Arthur Thexton appeared before the Board in support of the summary suspension for Jae Y. Shim, MD. Attorney Paul Erickson, representing Dr. Shim, addressed the Board. Dr. Shim also addressed the Board. The Board addressed Dr. Shim with questions.

RECONVENE TO OPEN SESSION

MOTION: Dr. Munro moved, seconded by Dr. Kailas, to reconvene to open session. Motion carried unanimously.

Open session reconvened at 1:00 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION IF VOTING IS APPROPRIATE

**PETITION FOR SUMMARY SUSPENSION
JAE Y. SHIM, MD**

MOTION: Dr. Kailas moved, seconded by Dr. Miota, to find in favor of probable cause to issue the amended complaint in the matter of disciplinary proceedings against Jae Y. Shim, MD. Motion carried unanimously. Ms. Heinemann and Dr. Gudeman were not present for deliberations or voting in open or closed sessions.

MOTION: Dr. Musser moved, seconded by Ms. Vukelich-Austin, to find in favor of probable cause that it's believed the respondent is engaged in or is likely engaged in conduct such that the public health, safety and welfare imperatively requires emergency suspension of the respondent's license for a period of thirty days. Dr. Musser additionally moved that the complaint be filed, a hearing be held and the authority to extend the suspension pursuant to Wis. Stat. § 448.02(4) be delegated to the Administrative Law Judge in this matter. Motion carried unanimously. Ms. Heinemann and Dr. Gudeman were not present for deliberations or voting in open or closed sessions.

MOTION: Dr. Miota moved, seconded by Dr. Kailas, to reaffirm all motions made during closed session. Motion carried unanimously.

**DELIBERATION OF PROPOSED STIPULATIONS,
FINAL DECISIONS AND ORDERS**

DAVID MATHEWS, MD

MOTION: Dr. Musser moved, seconded by Dr. Miota, to adopt the Findings of Fact, Conclusions of Law, Stipulation, and Order in the remedial education proposal regarding David Mathews, MD. Motion carried unanimously. Dr. Kailas abstained.

JOHN OURJIRI, MD

MOTION: Dr. Kailas moved, seconded by Dr. Munro, to adopt the Findings of Fact, Conclusions of Law, Stipulation, and Order in the matter of disciplinary proceedings against John Ourjiri, MD. Motion carried unanimously.

DANIEL W. LOPEZ-TAN, MD

MOTION: Dr. Musser moved, seconded by Dr. Miota, to adopt the Findings of Fact, Conclusions of Law, Stipulation, and Order in the matter of disciplinary proceedings against Daniel W. Lopez-Tan, MD. Motion carried unanimously.

ANILKUMAR DONIPARTHI, MD

MOTION: Dr. Miota moved, seconded by Dr. Gudeman, to adopt the Findings of Fact, Conclusions of Law, Stipulation, and Order in the matter of disciplinary proceedings against Anilkumar Doniparthi, MD. Motion carried unanimously. Dr. Saini abstained.

**MAX WINTERMARK
REQUEST FOR APPROVAL OF COMBINED MD/PHD PROGRAM**

MOTION: Dr. Gudeman moved, seconded by Dr. Osborn, to approve the program and to issue the license when the file is complete for Max Wintermark. Motion carried unanimously.

**REQUEST FOR STAY OF COSTS
MARK K. JENSON, MD**

MOTION: Dr. Kailas moved, seconded by Ms. Heinemann, to deny the stay of costs in the matter of Mark K. Jenson, MD. Motion carried unanimously. Dr. Munro abstained.

DOE MONITORING

**CURTIS ONGSTAD, MD
REQUESTING REVIEW OF BOARD REQUIREMENT**

Dr. Ongstad appeared before the Board to answer questions.

MOTION: Dr. Munro moved, seconded by Dr. Musser, to deny the request for an appeal and to require an appearance before the Board in one year in the matter of Curtis Ongstad, MD. Motion carried unanimously.

**MARK BOETTCHER, MD
REQUESTING REVIEW OF BOARD REQUIREMENT**

Dr. Boettcher and attorney Thomas Kirschbaum appeared before the Board to answer questions.

MOTION: Dr. Musser moved, seconded by Dr. Kailas, to grant credit for CME taken pursuant to the order and to reinstate the license with no further limitations for Mark Boettcher, MD. Motion carried unanimously.

**WILLIAM HOBBS, MD
REQUESTING FULL REINSTATEMENT OF LICENSE**

MOTION: Dr. Gudeman moved, seconded by Dr. Erickson, to reinstate license for William Hobbs, MD. Motion carried unanimously. Dr. Lockhart and Dr. Kailas abstained.

**WILLIAM HISGEN, MD
PETITION FOR FULL REINSTATEMENT AND COURSE APPROVAL**

MOTION: Dr. Gudeman moved, seconded by Dr. Osborn, to accept the course submitted and reinstate the license for William Hisgen, MD. Motion carried unanimously. Dr. Musser abstained.

**JEFFREY JUNIG, MD
REQUESTING THREE MONTH STAY AND MODIFICATIONS**

MOTION: Dr. Miota moved, seconded by Dr. Saini, to issue a three month stay with modifications for Jeffrey Junig, MD. Motion carried unanimously. Dr. Gudeman abstained.

**RAYMOND KOZIOL, DO
REQUESTING THREE MONTH STAY**

MOTION: Dr. Munro moved, seconded by Dr. Miota, to deny the request for three month stay and require that Raymond Koziol, DO, find a new mentor. Motion carried unanimously. Dr. Gudeman abstained.

**DAVID ONSRUD, DO
REQUESTING THREE MONTH STAY**

MOTION: Dr. Munro moved, seconded by Dr. Miota, to grant a three month stay for David Onsrud, DO. Motion carried unanimously. Dr. Lockhart abstained.

**PAUL RUSSO, DO
REQUESTING FULL REINSTATEMENT OF LICENSE**

Attorney Jeffrey Levens, of Augustine, Kern and Levens, Ltd., appeared with Paul Russo, DO. Mr. Levens noted that he is not licensed to practice law in Wisconsin and appeared as an advisor.

MOTION: Dr. Munro moved, seconded by Dr. Erickson, to deny full reinstatement of license in the matter of Paul Russo, DO, for failure to complete the one year limitation under paragraph 4 of his board order. Motion carried unanimously.

**JAMES SCERPELLA
REQUESTING FULL REINSTATEMENT**

MOTION: Dr. Kailas moved, seconded by Dr. Osborn, to reinstate licensure for James Scerpella, MD. Motion carried unanimously.

**FREEMAN MOORE
REQUESTING FULL REINSTATEMENT**

MOTION: Dr. Erickson moved, seconded by Dr. Musser, to reinstate licensure for Freeman Moore, MD. Motion carried unanimously. Dr. Kailas abstained.

REMEDIAL EDUCATION

04 MED 353

MOTION: Dr. Erickson moved, seconded by Dr. Munro, to accept the remedial education in the matter of 04 MED 353. Motion carried unanimously. Dr. Musser abstained.

03 MED 029

MOTION: Dr. Kailas moved, seconded by Dr. Erickson, in favor of a finding of probable cause in the matter of disciplinary proceedings against Michael N. Mangold, MD case 03 MED 029. Motion carried unanimously. Dr. Munro abstained.

04 MED 465

MOTION: Dr. Munro moved, seconded by Dr. Miota, in favor of a finding of probable cause in the matter of disciplinary proceeding against

Prakash D. Shah, MD case 04 MED 465. Motion carried unanimously. Dr. Musser and Dr. Erickson abstained.

DOE CASE CLOSINGS

05 MED 248

MOTION: Dr. Gudeman moved, seconded by Dr. Osborn, to close case 05 MED 248 for insufficient evidence. Motion carried unanimously.

03 MED 476

MOTION: Dr. Osborn moved, seconded by Dr. Musser, to close case 03 MED 476 for insufficient evidence. Motion carried unanimously.

03 MED 382

MOTION: Dr. Musser moved, seconded by Dr. Miota, to close case 03 MED 382 for no violation. Motion carried unanimously.

004 MED 488

MOTION: Dr. Miota moved, seconded by Dr. Kailas, to close case 04 MED 488 for insufficient evidence. Motion carried unanimously. Dr. Musser abstained.

04 MED 465

MOTION: Dr. Miota moved, seconded by Dr. Erickson, to close case 04 MED 465 against Dr. Dennis Thain for no violation. Motion carried unanimously. Dr. Musser abstained.

05 MED 198

MOTION: Dr. Miota moved, seconded by Dr. Osborn, to close case 05 MED 198 for prosecutorial discretion (P2). Motion carried unanimously. Dr. Kailas abstained.

04 MED 108

MOTION: Dr. Kailas moved, seconded by Dr. Osborn, to close case 04 MED 108 for insufficient evidence. Motion carried unanimously.

05 MED 318

MOTION: Dr. Miota moved, seconded by Dr. Osborn, to close case 05 MED 318 for prosecutorial discretion (P5). Motion carried unanimously.

RATIFYING LICENSES AND CERTIFICATES

MOTION: Dr. Munro moved, seconded by Dr. Kailas, to ratify all licenses. Motion carried unanimously.

ADJOURNMENT

MOTION: Dr. Miota moved, seconded by Dr. Musser, to adjourn the meeting at 1:15 p.m. Motion carried unanimously.